

EXHIBIT A

Stanford L. Burris

Page 12

1 A. I believe it was Rocky Paving Company. I
2 believe. I'm not sure. I'm not positive.

3 Q. How long had you worked with Rodney Paving
4 Company for?

5 A. "Rocky."

6 Q. "Rodney"?

7 A. "Rocky."

8 Q. Oh.

9 A. R-O-C-K-Y Paving.

10 Q. Rocky Paving. How long did you work for
11 Rocky Paving for?

12 A. Off and on, three, four -- whenever he
13 needed me, he'd call me.

14 Q. And why did you leave that employment?

15 A. Because I couldn't -- he was only working
16 me one, two days a week. I told him to hire another
17 driver because I couldn't, I couldn't live on that
18 little bit of...

19 Q. Okay. Let's go back to April of 2003.
20 Tell me a little bit about the application process to
21 apply for the position at Richards Paving.

22 A. I went in. It appeared, another ad in the
23 paper. And I just stopped in. Secretary gave me an
24 application. I filled it out. And I believe I was

Stanford L. Burris

Page 13

1 interviewed that same day.

2 Q. So just so I'm clear, you went in to fill
3 the application out, and you had the interview on
4 that same day as well?

5 A. To the best of my knowledge.

6 Q. The secretary who gave you the
7 application, do you recall her name?

8 A. No, I do not.

9 Q. Do you recall what she looked like?

10 A. She was a Caucasian lady, I'd say
11 approximately in her mid 20s or early 30s, I think,
12 to the best of my knowledge.

13 Q. Did you give the application back to her
14 on that day?

15 A. No. She took it. To my -- as I said -- I
16 mean, I'm trying to remember. I think she took it.
17 She told me to have a seat. To the best of my
18 knowledge, I believe she took it and -- to somebody
19 to, to look at.

20 Q. You testified that you believe you were
21 interviewed that day. Do you recall who you met with
22 on that day?

23 A. I believe it was a guy named Dave.

24 Q. And what do you mean by "interviewed"?

Stanford L. Burris

Page 16

1 couldn't use me because of the way my voice sounds.

2 That's when I suggested I had an
3 electric larynx or cell phone; I could communicate
4 that way. But all that was my suggestion, because I
5 really wanted the job. I was willing to try almost
6 anything to get the job.

7 BY MR. DONELSON:

8 Q. Sir, did a doctor ever tell you to stop
9 using the electronic larynx?

10 A. My doctor -- well, the therapist suggested
11 that my voice was clearing up. Several of my doctors
12 said that they could understand what I was saying. A
13 doctor performed the operation, told me that he
14 didn't think I'd have to use it again.

15 Q. Was that Dr. Robert Witt told you that?

16 A. That's correct.

17 Q. When did he tell you that?

18 A. I'm not sure exactly when he told me, but
19 it was after -- because at the time I had to visit
20 him almost every other month. I think it was
21 probably after a while I was doing the speech
22 therapy.

23 Q. When was the last time you saw Dr. Witt?

24 A. I see him every year -- I'm supposed to

Stanford L. Burris

Page 19

1 lot of colds. Dr. Kestner was my pulmonary doctor.

2 Q. Do you still see Dr. Kestner?

3 A. I haven't seen him in a while because I
4 owe him an old bill I haven't been able to pay yet.

5 Q. During a typical day, are you able to
6 engage in conversation with other people without
7 using the electronic larynx?

8 A. Sir, I haven't used the electric larynx
9 since the surgery. But after the surgery and my neck
10 was well enough, I think I started to use the
11 larynx -- oh, probably used the larynx probably about
12 a month. But when I started the physical therapy,
13 they said to try not to use it.

14 Q. You testified you don't use the electronic
15 larynx. Do you consider yourself disabled?

16 MR. ABER: Objection.

17 MR. DONELSON: You can answer.

18 MR. ABER: Go ahead. You can answer.

19 THE WITNESS: Yes and no.

20 BY MR. DONELSON:

21 Q. What do you mean by "yes and no"?

22 A. Well, if you ask me can I swim, I can't
23 swim. But I can do everything else.

24 Q. Okay. Does swimming have anything to do

Stanford L. Burris

Page 20

1 with your voice?

2 A. Sure, it do. I have an opening in my
3 neck. I'd drown if I tried to swim.

4 Q. So what do you mean when you say "yes,"
5 you consider yourself --

6 A. I'm sorry. Is there anything that we can
7 do -- I try not to think about this. Please let's
8 move on to something else, because it really does
9 upset me because I don't like the way I sound. I
10 don't like what happened. Please. I get emotional.
11 Because of all the trouble I went through, I don't
12 want to -- I really don't want to talk about it.

13 Q. Well, sir, I have to ask you these
14 questions. And, believe me, I'm not trying to upset
15 you, but I need to ask you these questions.

16 When you said "yes," how do you
17 consider yourself disabled, other than you can't
18 swim?

19 A. I said "yes and no."

20 Q. What do you mean by when you say "yes"?

21 A. Yes, I can't do everything that a normal
22 person do. Some words I can't pronounce as good as
23 other people. And I said "no" because any type of
24 work, I can do.

Stanford L. Burris

Page 24

1 to take.

2 Q. Now, this ten-wheeler truck, I presume
3 that's a standard shift?

4 A. Yeah. I think it's a "maxi nine." I
5 think it's -- to my knowledge, I think it only had a
6 high and low in it.

7 Q. Did you have to use the radio during the
8 driving test?

9 A. No. I wasn't asked to use the radio. As
10 a matter of fact, that truck didn't have a radio in
11 it or a CB -- that I can remember. But I was never
12 asked to speak on a CB.

13 Q. When you got back to the facility, what
14 happened next?

15 A. He told me that, that my -- the road test
16 was successful and that he needed to see a copy of my
17 driving record.

18 Q. Did you have that with you at the time?

19 A. No, I didn't.

20 Q. Did he ask you for any other documents
21 besides your driving record?

22 A. Well, I think he looked at -- if I'm
23 correct, I think he asked for -- I don't remember for
24 sure -- but he might have asked me if I had, if I had

Stanford L. Burris

Page 26

1 A. I think it was in his office, I believe,
2 to the best of my knowledge.

3 Wait a minute. Wait a minute. I
4 believe it was on the outside, because he was
5 interviewing another -- there was somebody else there
6 that he was talking to. And this guy was -- he was
7 way across the other side of the yard at the time.

8 I think he told me that at the yard,
9 standing outside. I believe that's where it was at.
10 Because we did have a conversation on the outside.
11 Or maybe that's when I was begging him for the job.
12 I'm not sure.

13 Q. You said you were begging him for the job.
14 What do you mean by that?

15 A. Well, after he told me that he couldn't
16 use me because of my voice, when I asked him, I said,
17 Well, if, if you can just hire me, just give me any
18 kind of job. I'll take any kind of work.

19 And he said no.

20 But I -- that's when, that's when the
21 cell phone and the electric larynx came up, because,
22 like I said, I would have done anything to try to get
23 that job because it paid pretty good and it was
24 almost steady work.

Stanford L. Burris

Page 28

1 A. Yeah; because I had to go and get that at
2 the Department -- the DMV the next day.

3 Q. After he asked you for your driving
4 record, did you leave? Did you have any further
5 discussions on that day, on that particular day?

6 A. No. I just was begging him for the job.

7 Q. Was that on the first day or the second
8 day?

9 A. The second day, after he told me he
10 couldn't use me because of my voice.

11 Q. And I'll get to the second day. I know
12 you're trying to jump ahead of me.

13 The first day, was there any
14 discussion on the first day between you and
15 Mr. Moluski about your voice or your larynx or
16 anything like that?

17 A. No, there was not.

18 Q. On that first day during the interview
19 process, did he ever ask you to talk on the CB or
20 anything like that?

21 A. No, he did not. I don't believe there was
22 one in the truck. I don't remember seeing one, and I
23 know I didn't talk on one.

24 Q. You said this was the second time that

Stanford L. Burris

Page 34

1 A. (Indicating.)

2 Q. Do you have any other problems stemming
3 from your larynx other than your soft speech?

4 A. That's all I can think of.

5 Q. Between the interview you had with
6 Richards Paving and your current job with Daisy
7 Construction, have you held any other jobs since
8 then?

9 A. No.

10 Q. No? Okay. Sir, I'm just going to show
11 you your Answers to Interrogatories. I'm going to
12 ask if that is your signature on this page.

13 A. Yeah, to the best -- yes.

14 Q. And did you review your Answers to
15 Interrogatories before you signed them?

16 A. Some of them.

17 Q. But not all of them?

18 A. I think I did. I'm not sure. It's been a
19 while back.

20 Q. Okay. And your Answers to
21 Interrogatories, you answered them to the best of
22 your ability and knowledge?

23 A. Yes. Yes, to the best of my knowledge.

24 Q. Prior to today's deposition, did you do

Stanford L. Burris

Page 39

1 A. Yeah, like if there's chemicals or
2 something like -- say, we was in this room and it was
3 closed up. You spilled some chemicals or something,
4 then, yeah, it would, it would irritate me. But I
5 could breathe, but it would irritate me and cause my
6 nose and stuff and my eyes and stuff to run.

7 Q. Other than that extreme situation, do you
8 have any other trouble breathing?

9 A. Not unless I'm up in a bunch of smoke and
10 stuff like that.

11 Q. I'm just curious, what's your definition
12 of a confined space?

13 A. Confined space is like being inside of the
14 cab of a truck. If it filled from -- the diesel fuel
15 was coming inside the cab, that's what I'm, that's
16 what I'm referring to, a confined area.

17 Q. But, otherwise, if you're driving a truck,
18 you don't have any problems breathing?

19 A. I haul blacktop. I haul blacktop. I've
20 been hauling blacktop for the last 25, 30 years.
21 Even after I had the operation, I hauled blacktop.
22 That's what I haul mostly now, blacktop.

23 I go to all the, all the blacktop
24 plants, get loaded. As long as I'm outside and it's